

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PIPE FITTERS' RETIREMENT FUND, LOCAL)	
597; PIPE FITTERS' WELFARE FUND, LOCAL)	
597; PIPE FITTERS' TRAINING FUND, LOCAL)	CIVIL ACTION
597; CHICAGO AREA MECHANICAL)	
CONTRACTING INDUSTRY IMPROVEMENT)	NO.: 16-CV-4067
TRUST; THE PIPE FITTERS' ASSOCIATION,)	
LOCAL 597 U.A.; PIPE FITTERS' INDIVIDUAL)	JUDGE: ST. EVE
ACCOUNT and 401(K) PLAN; and PIPE)	
FITTING COUNCIL OF GREATER CHICAGO,)	MAGISTRATE
)	JUDGE: FINNEGAN
Plaintiffs,)	
)	
vs.)	
)	
JJ SERVICES BAIER LLC,)	
an Illinois Limited Liability Company,)	
)	
Defendant.)	

MOTION FOR FINAL JUDGMENT IN SUM CERTAIN

Now come Plaintiffs, the PIPE FITTERS RETIREMENT FUND, LOCAL 597, *et al.*, by and through their attorneys, JOHNSON & KROL, LLC, and move this Honorable Court for entry of Final Judgment in favor of Plaintiffs and against Defendant JJ SERVICES BAIER LLC ("JJ SERVICES") and in support thereof, state as follows:

1. On April 6, 2016, Plaintiffs filed their Complaint against Defendant JJ SERVICES in the above-captioned matter. (Docket No. 1).
2. On June 1, 2016, this Honorable Court entered an Order of Default Judgment against Defendant JJ SERVICES. (Docket No. 15).
3. Pursuant to the Order of Default Judgment, Plaintiffs were awarded the aggregate amount of \$15,787.37, representing JJ SERVICES' unpaid contributions, liquidated damages, interest, and 401(k) elective deferral deficiencies for the period of December 2015 through

February 2016, in addition to attorney's costs and fees. (Docket No. 15).

4. To date, the entirety of the \$15,787.37 owed by JJ SERVICES pursuant to the Order of Default Judgment remains outstanding.
5. Pursuant to the Order of Default Judgment, Plaintiffs were granted leave to "petition this Court for entry of a final judgment in sum certain to include any contributions, 401(k) elective deferrals, liquidated damages and interest owed by the Defendant JJ SERVICES for the months of March 2016 and April 2016." (Docket No. 15).
6. In addition to the amounts previously awarded to the Plaintiffs, JJ SERVICES owes the Plaintiffs the aggregate amount of \$12,232.89 in unpaid contributions for the period of March 2016 through May 2016. (Affidavit of Michael Maloney is attached as Exhibit 1).
7. As a result of JJ SERVICES' failure to pay contributions for the period of March 2016 through May 2016, JJ SERVICES owes the Plaintiffs liquidated damages in the aggregate amount of \$1,193.66 and interest in the amount of \$44.34. (Exhibit 1).
8. JJ SERVICES also owes the Plaintiffs the aggregate amount of \$998.48 in 401(k) elective deferrals for the period of March 2016 through May 2016. (Exhibit 1).
9. As a result of JJ SERVICES' untimely submission of 401(k) elective deferrals for the period of March 2016 through May 2016, JJ SERVICES owes the Plaintiffs 401(k) liquidated damages in the aggregate amount of \$99.55 and 401(k) interest in the aggregate amount of \$14.10. (Exhibit 1).
10. Defendant JJ SERVICES is required to pay the Plaintiffs' reasonable attorney's fees and costs pursuant to the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. §1132(g)(2)(D).
11. Since filing its Motion for Default Judgment, Plaintiffs have incurred an additional

\$1,810.00 in attorney's fees and costs. (Affidavit of Nicollette L. Khuans is attached as Exhibit 2).

12. A proposed Final Judgment in Sum Certain Order has been submitted to the Court.

WHEREFORE, Plaintiffs request the following:

- A. That a Final Judgment be entered in favor of Plaintiffs and against Defendant JJ SERVICES in the aggregate amount of \$32,180.39, which is itemized as follows:

1. \$15,787.37 in unpaid contributions, liquidated damages, interest, and 401(k) elective deferral deficiencies for the period of December 2015 through February 2016, in addition to attorney's costs and fees pursuant to this Court's June 1, 2016 Order of Default Judgment;
2. \$12,232.89 in unpaid contributions for the period of March 2016 through May 2016;
3. \$1,193.66 in unpaid liquidated damages for the period of March 2016 through May 2016;
4. \$44.34 in unpaid interest for the month of March 2016;
5. \$998.48 in unpaid 401(k) elective deferral deficiencies for the period of March 2016 through May 2016;
6. \$99.55 in unpaid 401(k) liquidated damages for the period of March 2016 through May 2016;
7. \$14.10 in unpaid 401(k) interest for the period of March 2016 through May 2016; and
8. \$1,810.00 in additional attorney's fees and costs.

B. That Plaintiffs have such other and further relief as the Court may deem just and equitable all at the Defendant's cost, pursuant to 29 U.S.C. §1132(g)(2)(E).

Respectfully submitted,

**PIPE FITTERS' RETIREMENT FUND,
LOCAL 597 *et al.***

/s/ Nicollette L. Khuans - 6320914
One of Plaintiffs' Attorneys

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